

REMARKS

This is in response to the Office Action dated May 10, 2006 in which claims 1, 2, and 14-18 were rejected, and claims 3-8, 12, and 13 were allowed. With this Amendment, Applicant has amended claim 1 and 14 as an independent claim to include the patentable subject matter. Applicant has also amended claims 6, and 15-18. The application is now in condition for allowance. Notice to that effect is hereby requested.

Claim Rejections pursuant to 35 U.S.C. § 112

Claims 14 has been amended. The language as amended is fully supported by the original specification as filed. In as much as claim 14 has been amended and is fully supported by the specification as originally filed, any rejections and objections to unamended claims 15-18 which depend from claim 14 are obviated.

Claims Rejections pursuant to 35 U.S.C. § 103

Claims 1 and 2 were rejected under 25 U.S.C. § 103 as being unpatentable over Davison (4,946,488) in view of White (3,913,641). Davison discloses a cutting device for mounting to a large scale commercial vehicle comprising a frame and support structure. The frame is constructed to be pivotal in both the horizontal and vertical directions, and the frame requires a lattice members to support the cutting device on the boom. Applicant has amended claim one to require that the first frame member does not pivot in the vertical direction. As such, the reference would have to be modified to meet the limitation. The modification would render the Davison reference unsatisfactory for its intended purpose. As such, the reference cannot be used for an obviousness determination. M.P.E.P §2143.01.

Similarly, the White reference teaches away from a single metal tube. As previously mentioned, the white reference requires a lattice framework to support the cutting mechanism. As such, combining the Davison reference with the White reference, or removing the lattice structure and having only a single beam structure, would render the Davison reference unsatisfactory for its intended purpose. As such, the reference cannot be used for an obviousness determination. M.P.E.P §2143.01.

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With the amendment, and in view of the above arguments, Claims 1 and 2 are now in condition for allowance. As such, the entire application is now in condition for allowance. Notice to that effect is hereby requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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